

REMARKS

Applicant submits this paper in response to the Office Action dated October 28, 2009. Claims 1-19 have been previously canceled. Claims 20-40 were previously added. Claims 28 and 40 have been amended, and claim 41 has been added. Support for claim 41 can be found in Para. [0025]. Thus, claims 20-41 are currently pending and presented for examination.

Response to Rejections Under Section 112:

As noted above, claims 28 and 40 have been amended to overcome the Examiner's basis for rejection. Accordingly, withdrawal of the rejection is respectfully requested.

Response to Rejections Under Section 103:

The following claims have been rejected under 35 U.S.C. §103(a) as being unpatentable over the indicated references: claims 20-24, 26, 30, 38 and 39 over U.S. Publication No. 2003/0120528 to Kruk et al (Kruk) in view of U.S. Patent No. 6,708,155 to Honarvar et al (Honarvar); claims 25 and 40 over Kurk in view of Honarvar and further in view of U.S. Patent No. 6,004,579 to Bathurst et al (Bathurst); claim 27 over Kruk in view of Honarvar and further in view of U.S. Publication No. 2001/0017023 to Armington et al (Armington); claims 28 and 29 over Kruk in view of Honarvar and further in view of U.S. Patent No. 5,402,519 to Inoue et al (Inoue); claim 31 over Kruk in view of Honarvar and further in view of U.S. Publication No. 2003/0061225 to Bowman et al (Bowman); claims 32 and 33 over Applicant's Own Admission (AOA) in view of Kruk and further in view of Honarvar; and claims 34-36 over AOA in view of Kruk and further in view of Honarvar and further in view of U.S. Publication No. 2003/0088456 to Ernest et al (Ernest). Applicant respectfully traverses.

The following is a quotation from MPEP 2111.01

This means that the words of the claim must be given their plain meaning unless \*\*>the plain meaning is inconsistent with< the specification. ...[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application.

The following is a quotation from MPEP 2111

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." . . .

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.

Claim 20 discloses, in part:

at least an evaluation entity for automatically determining an optimization of the process parameter, wherein the optimization is effected by the optimization entity.

Claim 32 discloses, in part:

at least one evaluation entity for automatically determining an optimization of the or each process parameter, said optimization having been effected by the or each optimization entity.

Claim 38 discloses, in part:

automatically determining the effected optimization of the or each process parameter by at least one evaluation entity

The Examiner has concluded that Kruk, at Para. [0120] and [0181], discloses all aspects of these elements except that “determining an optimization” is not done automatically. In rejecting these claims, the Examiner concluded that a combination of Kruk with Honarvar makes these claims obvious because the Examiner stated that Honarvar discloses automatically determining an optimization. The Examiner, however, has misinterpreted Honarvar.

Honarvar discloses automatically optimizing the strategy in accordance with the determined results, the selected strategy component and the selected criteria. This is different than what is disclosed by Applicant because Honarvar discloses actually carrying out the optimizing, whereas Applicant claims automatically determining an optimization, but not performing the optimization. Honarvar does disclose a determining step, or element, namely determining results of the applied strategy. However, Honarvar does not disclose that this determining step, or element, is automatically performed.

In view of the explanation provided above with respect to independent claims 20, 32, and 38, it should now be evident to the Examiner that dependent claims 21-31, 33-37, and 39-40 are also allowable since these claims depend, respectfully, from claim 20, claim 32, and claim 38.

With respect to claim 41, none of the prior art on record teaches optimizing one or more process parameters by at least one optimization entity, monitoring the process parameters by at least one monitoring entity, and automatically determining the effected optimization of the or

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each process parameter by at least one evaluation entity, wherein when more than the at least one optimization entity optimizes one or more process parameters, an influence exercised on one of the one or more process parameters by the more than at least one optimization entity may not exceed 100 percent.

Conclusion:

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicant respectfully requests that the Examiner reconsider the rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated:

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